BOARD OF SELECTMEN – JUNE 19, 2013

I. Call to Order/Roll Call

Chairman Alex Vispoli called the Special meeting of the Board of Selectmen to order 6:04 P.M. in the Selectmen's Conference Room at the Town Offices. Present: Roll call: Chairman Vispoli and Selectmen Brian Major-Y, Mary Lyman-Y, Dan Kowalski-Y, and Paul Salafia-Y. Also present Town Manager Reginald S. Stapczynski. The meeting was duly posted and cable-cast live.

II. Opening Ceremonies

Chairman Vispoli called for a moment of silence followed by the Pledge of Allegiance.

III. Regular Business of the Board

Chairman Vispoli welcomed Peter Troy from the Melmark School located on River Road.

Mr. Troy said he is requesting the Board of Selectmen approve the amendment to Avalon Bay's Sewer Agreement entitled "Amendment Agreement/License and Agreement" to connect to the sewer extension on River Road, deed over an allotment of 4,515 gallons per day to the Melmark School, and amend prior agreements in which Avalon Development obtained sewer capacity rights with the Town of Tewksbury. In 2003, a separate Intermunicipal Agreement was requested and approved at Town Meeting and also approved by the Town of Tewksbury, however, a request for a 40B restriction was not agreed upon. In 2006, the building was purchased by Melmark and a septic system installed putting constrains on the school and connecting with the sewer line on River Road would alleviate these constraints. The request has been worked on over the past two years with all parties involved and vetted by the Town of Tewksbury as well as Andover's Public Health Director, Acting DPW Director and Town Counsel. This request would strictly serve the needs of the school. Melmark is requesting a response as soon as possible so the sewer connection work can be accomplished the first week in July when the school is closed.

As the Board of Selectmen was not aware of this request prior to the recent notification, Chairman Vispoli asked to hear directly from Melmark for a full explanation and considers this a first reading as such. The timing issue for a response to the request was also unknown to the Board and since the Board has the obligation to protect the Town it is important they follow the process of reviewing and understanding all aspects of the request.

When asked by Chairman Vispoli if the current septic system is still servicing the facility, Mr. Troy responded that it is but not well and stated the sewer connection will be for the use of Melmark only.

The Board said they are cautious about setting a precedent that would automatically provide an opportunity for other developers to come in by automatically approving Melmark's request.

Selectman Kowalski asked how many gallons, at a minimum, does Avalon need to service their 113 units? He also wants confirmation that this request will not open the Town to any additional liabilities. Selectman Lyman reported that Board did not have any information prior to this notification and feels the Board needs more time to review the request. She also requested that the Board have all information and opinions from the Town's Department Heads concerned as well as Town Counsel before proceeding.

The Board discussed their concerns about setting a precedent, if the 40B factor affects the request, if the sewer line is opened would other entities be able to apply for a connection, and would the Town have to accept future requests. The Board wants to review what protections are in place. Melmark would like to have a response by July 1st.

The Board asked the Town Manager to invite Attorney Urbelis, Public Health Director Tom Carbone and Director of Planning Paul Materazzo to attend the Monday, June 24th meeting and to provide an update and report on the request from Melmark. The report should include their respective opinions and a legal opinion to ensure that no precedent is being set by opening up the sewer pipeline and if there would be excess capacity in the line for other connections beyond this request.

IV. Board of Selectmen Policy Workshop

The Board will reschedule tonight's Policy Workshop. They will meet July 8th from 6:00 P.M. to 9:00 P.M. in a Workshop session with a facilitator.

V. Adjournment

At 7:08 P.M. on a motion by Selectman Salafia and seconded by Selectman Lyman, the Board unanimously voted to adjourn. Roll call: A. Vispoli-Y, B. Major-Y, M. Lyman-Y, D. Kowalski-Y, and P. Salafia-Y.

Respectfully submitted,

Dee DeLorenzo, Recorder